

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ESTATE OF ASHER BROWN, *et al*

Plaintiffs,

V.

CYPRESS-FAIRBANKS INDEPENDENT  
SCHOOL DISTRICT,

Defendant.

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CIVIL ACTION NO. 4:11-cv-01491

**AGREED STIPULATION OF DISMISSAL**

TO THE JUDGE OF THE HONORABLE COURT:

It is hereby stipulated by and between the parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed **WITH PREJUDICE** pursuant to FRCP 41(a)(1). Each party shall bear his, her, or its own costs, attorneys' fees, and expenses.

***In connection with this dismissal, the Plaintiffs state the following:***

The allegation in the Plaintiffs' complaint that certain students observed physical and verbal bullying of Asher Brown during gym class and that the incidents were reported to coaches is untrue. (*See* Am. Cmpl. ¶ 101, 102, 104-108.) The allegation that the Cypress-Fairbanks Independent School District unlawfully destroyed or withheld evidence is without evidentiary support. (*Id.*, ¶ 24.) The complaint alleges that Asher was in a "fight" in the cafeteria after a student allegedly made an offensive remark and that an assistant principal's response was unreasonable. (*Id.*, ¶ 123.) The complaint alleges that a student kicked Asher down a flight of stairs the week of his death. (*Id.*, ¶ 125.) These allegations also are without evidentiary support.

***In connection with this dismissal, the Defendants state the following:***

This Rule 41 dismissal has been submitted at the request of the Plaintiffs. There has been no settlement of this dispute. The Defendants, however, agree with the decision to voluntarily dismiss the lawsuit. The Defendants believe that the evidence obtained during discovery establishes that they did not violate Asher Brown's rights and that his tragic suicide was the result of the complex interaction of medical and mental health

conditions and various events and circumstances in Asher's life that occurred outside of the school environment.

Respectfully Submitted,

By: /s/ Martin J. Cirkiel

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**ATTORNEYS FOR THE DEFENDANTS  
CYPRESS-FAIRBANKS  
INDEPENDENT SCHOOL DISTRICT,  
DAVID ANTHONY, IFY OGWUMIKE,  
AND ALAN DURHAM**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing pleading has been forwarded to counsel of record for Plaintiffs on March 27, 2013, via the Court's electronic service system:

Martin J. Cirkiel  
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/s/ Lisa A. Brown

Lisa A. Brown

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